

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture & Commerce		CONTACT PERSON Julie McLemore		TELEPHONE NUMBER (601)359-1100	
ADDRESS P.O. Box 1609		CITY Jackson		STATE MS	ZIP 39215 -1609
EMAIL Julie@mdac.ms.gov	SUBMIT DATE 6/3/2016	Name or number of rule(s): Title 2, Part 1 MDAC Rules, Subpart 4, Chapter 9, Section 117, "Administrative Actions"			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The new rule provides procedures for administrative actions conducted under the "Weights and Measures Law."

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 75-27-19*

List all rules repealed, amended, or suspended by the proposed rule: none

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: <input checked="" type="checkbox"/> New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: John Campbell, Deputy Commissioner

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by  #22004	<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME MS Department of Agriculture & Commerce	CONTACT PERSON Julie McLemore		TELEPHONE NUMBER 601-359-1154
ADDRESS P.O. Box 1609	CITY Jackson	STATE MS	ZIP 39215-1609
EMAIL Julie@mdac.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Administrative Action		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. 75-27-19		Reference to Rules repealed, amended or suspended by the Proposed Rule: None	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:
The benefit that results is to establish administrative procedures for those businesses or individuals who receive and Administrative Complaint from the Department for noncompliance with the Weights and Measures Law.
2. Briefly describe the need for the proposed rule: The Weights and Measures Law was amended by the Legislature to provide for administrative penalties when there are violations of the law.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
The effect of the rule will allow the business or individual who receives a complaint to know the rules on how request an administrative hearing before the department on the complaint and how the administrative proceeding will be conducted.
4. Estimated Cost of implementing proposed action:
 - a. To the agency
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
 - c. Cost:
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
 - d. Economic Benefit:
☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive
6. Estimated impact on small businesses:
 ☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
 - a. Estimate of the number of small businesses subject to the proposed regulation: 2,500
 - b. Projected costs for small businesses to comply: None
 - c. Statement of probable effect on impacted small businesses: Small businesses will have an opportunity under this regulation to request an administrative hearing where they have received notice of a complaint of noncompliance with the law from the department.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

- ☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☒ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

- ☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☒ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

- ☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. The Department tests weighing and measuring devices in the State. The number of small businesses affected was estimated based on the devices that are present in the Department's database. There is no direct cost to small business for the implementation of this rule.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Interested parties may submit written comments on the rule to the contact above. The Department will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after filing of the notice of the proposed rule

SIGNATURE

TITLE

Deputy Commissioner

DATE

06/03/2016

PROPOSED EFFECTIVE DATE OF RULE

July 30, 2016